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**From:** Ghosh, Mita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A452A12681164ADA8730786F1A908E32-GHOSH, MITA]  
**Sent:** 5/15/2019 2:42:40 PM  
**To:** McGill, Thomas [Mcgill.Thomas@epa.gov]  
**Subject:** RE: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

No we already had a discussion with JT, Simma is following up this week.

Mita Ghosh  
Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
(404) 562-9568

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**From:** McGill, Thomas  
**Sent:** Wednesday, May 15, 2019 9:31 AM  
**To:** Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** FW: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

Mita – Is there a meeting with JT that's been set-up, and if so when is it? Thanks. Tom

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**From:** Calli, Rosemary  
**Sent:** Monday, May 13, 2019 4:48 PM  
**To:** McGill, Thomas <Mcgill.Thomas@epa.gov>  
**Subject:** FW: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

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**From:** Gettle, Jeaneanne  
**Sent:** Monday, May 13, 2019 3:57 PM  
**To:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Subject:** RE: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

Mita,

If there is a mid-management meeting including region 4, would you please make sure that WD is included.

Thanks  
jeaneanne

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**From:** Ghosh, Mita  
**Sent:** Monday, May 13, 2019 3:42 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Subject:** FW: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

Here is the message Matt sent Leif to summarize where we are on the issue with JT and the path forward. We will keep you all updated as things progress. We are making sure that the Region is included in all discussions.

Mita Ghosh  
Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
(404) 562-9568

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**From:** Hicks, Matt  
**Sent:** Monday, May 13, 2019 10:53 AM  
**To:** Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Subject:** FW: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

Leif, Mita, and Kavita,

# Ex. 5 AC/DP

In terms of next steps, it looks like Simma wants to follow up with J.T. again and then a mid-management meeting will be held to agree on issues to be elevated to OECA/OGC front offices. It's not clear whether Region 4 will be part of the mid-management meeting but hopefully we will. Please let Kavita or me know whether you'd like us to reach out to Simma to get clarity on that.

Thanks,

Matt  
2-9670

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**From:** Kupchan, Simma  
**Sent:** Monday, May 13, 2019 10:23 AM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>; Hicks, Matt

<Hicks.Matthew@epa.gov>

**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>

**Subject:** RE: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

Thanks, Carrie, and thanks, Mike. My action item at the end of the call was to set up a separate conversation with JT so that we could nail down the information that it looks like you have provided in this chart, to help decide how best to move forward. I think a mid-management meeting makes sense, but first off I will follow up with him directly; I think this chart will be very helpful in advancing that conversation.

(Looping in Jeff Speir, who has also been involved in these discussions.)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Wehling, Carrie

**Sent:** Monday, May 13, 2019 9:09 AM

**To:** Fisher, Mike <Fisher.Mike@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>

**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>

**Subject:** RE: Florida 404 Assumption **Ex. 5 Deliberative Process (DP)**

Thanks, Mike. I am forwarding your note and chart to Simma who is our lead on the Florida program. Chart looks very helpful.

I am also copying Matt, the ORC lead; and providing FYI to Krista, our 404 enforcement lead; Heidi, 402 state program lead; and MEL, overall CWA enforcement.

Simma, can you take a look and we can chat. I'm wondering whether next step should be a mid-management meeting to discuss the issues, and then we can agree on issues to be presented to our front offices.

Will get back to you, Mike.

Thanks.

Carrie

Caroline (Carrie) Wehling  
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202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

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**From:** Fisher, Mike

**Sent:** Friday, May 10, 2019 3:36 PM

**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>

Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>

Subject: FW: Florida 404 Assumption - **Ex. 5 Deliberative Process (DP)**

Hi Carrie – not sure if I should be checking w/you on this or someone else. If the latter, please pass this on. But I'm hoping to get some clarity from WLO management before we go to Susan what I hope is one last time on the FL 404 delegation issues.

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I understand that there have been multiple conversations in-house about these issues, and some communication with Florida officials as well, although I'm not clear on the dates or extent of the latter. While I know JT has explained these issues on the calls w/FL, I don't believe

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I put together the attached chart this morning, in an attempt to simplify the description of

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Thought I'd shoot you a note so that (a) you all have the chart and (b) to inquire where things stand and understand what we are seeking to achieve through another conversation with Susan.

(On that latter note, I'll pose a related question re the portion of JT's email that I have bolded below, which explains that the workgroup has requested "LCD elevate to senior OECA management only those issues we feel are necessary for their consideration as potential show-stoppers." As I understand it,

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Thanks much --

Michael R. Fisher  
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From: Morgan, James

Sent: Thursday, May 09, 2019 5:50 PM

To: Fisher, Mike <Fisher.Mike@epa.gov>

Subject: Florida 404 Assumption - **Ex. 5 Deliberative Process (DP)**

On today's conference call regarding the above issue, Region 4 and OGC staff tasked with shepherding this forward asked which issues of the 5 (but not the Other Issues section) we raised in the attached paper merited elevation to political higher-ups. The concern was to make sure that we alerted senior leadership

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## Ex. 5 Deliberative Process (DP)

Florida's assumption of the program.

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There is clearly an urgency to get the Florida 404 program approval moving so the workgroup urged our office to move expeditiously to elevate and provide them with a timetable for their planning purposes.

Please let me know if you have questions or wish to discuss further.

J. T. Morgan, Attorney  
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Office of Criminal Enforcement, Forensics and Training  
Legal Counsel Division  
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